

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

FILED IN OPEN COURT

ON 8/22/2013 ¹⁰Julie A. Richards, Clerk
US District Court
Eastern District of NCUnited States of America
v.
Antonio Raynal Hunter GrayCase No: 5:09-CR-291-1BOUSM No: 25679-056Date of Original Judgment: June 3, 2010

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Thomas P. McNamara

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

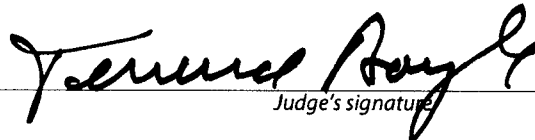
☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____

Although application of the Fair Sentencing Act of 2010 retroactive amendment reduces the guideline imprisonment range to 140 to 175 months, the defendant was sentenced at the statutory minimum of 120 months, pursuant to a Motion for Substantial Assistance, and that minimum did not change as a result of the retroactive amendment. Therefore, the defendant is not eligible for relief under this amendment.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated June 3, 2010 shall remain in effect. **IT IS SO ORDERED.**

Order Date: 8-22-13


Judge's signature

Effective Date: _____

(if different from order date)

Terrence W. Boyle, U.S. District Judge

Printed name and title